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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,565	07/21/2000	Miri Seiberg	JBP0510	4999

7590 05/09/2003

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EXAMINER

FUBARA, BLESSING M

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 05/09/2003

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Notice of Allowability

Application No.

09/621,565

Examiner

Blessing M. Fubara

Applicant(s)

SEIBERG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper nos. 21 and 22.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 21 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>21 & 22</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

DETAILED ACTION

Examiner acknowledges receipt of IDS filed 02/12/03 and 02/28/03.

1. The information disclosure statement (IDS) submitted on 02/12/03 and 02/28/03 was filed after the mailing date of the Notice of Allowance on 02/11/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner except for the French art, 2803747 because no English translation or abstract was provided for the French Patent No. 2803747.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: The prior art submitted on 02/12/03 and 02/28/03 have been considered.

The English abstract of JP 58225004 discloses a cosmetic composition that contains isflavone compounds (Daidzein, Genistein, Daidzin or Genistin) from soybeans and Pueraria roots; the composition suppresses melanin formation. The English abstract of JP 58225004 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The English abstract of CN 1094279 discloses a liquid hair washing (shampoo) composition that comprises chrysanthemum, turnip seed, biota tops, Ligusticum wallichii, root bark of white mulberry, root of Dahurian angelica, root of Chinese wild ginger, eclipta, dried Chinese mugwort, peppermint, tuber of elevated gastrodia and Chinese prickly ash; the composition protects the hair. The English abstract of CN 1094279 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The English abstract of JP 62036304 discloses a method of preparing a cosmetic composition by mixing soya milk and at least 2 wt% surfactant based on the weight of the soya

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milk. The cosmetic composition is formulated as hair shampoo, hair rinse, after shave lotion, hand lotion, cleansing cream, shaving cream, clod cream, foundation and face wash soap. The English abstract of JP 62036304 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The English abstract of JP 09059166 discloses epithelial cell growth promoter composition that comprises malonyl isoflavone glycoside extracted from soybean. The growth promoter composition stimulates hair growth, acts as anti-inflammatory agent, prevents skin ageing, acts as a wound healing composition and has utility in the skin cosmetic art. The English abstract of JP 09059166 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The English abstract of JP 09025212 discloses an extract from Apocynaceae family and Alycia genus in an amount of 0.005-20 wt% and the extract contains an agent that inhibits melanin production, suitable for treating sun-burn, spot, freckle and chlosma and has serine protease activity. The English abstract of JP 09025212 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The English abstract of JP 2000302678 discloses a composition that contains isoflavone, sesame oil and amino acid and the composition is used to treat or prevent hair loss (alopecia). The English abstract of JP 2000302678 does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size. This reference published 10/31/2000 is not prior art because the art is published after the filing date of the application, which is 07/21/2000.

Lezdey et al. (US 6,096,327) discloses a method for revitalizing skin and reducing skin wrinkles by topically administering a composition comprising an effective amount of human serine

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protease inhibitor (abstract, column 2, line 28 to column line 17 and claims 1-8). Lezdey does not disclose a method for changing mammalian hair appearance and hair pigmentation, and reducing hair growth, hair follicle and hair shaft size.

The pending claims are allowable over the prior art discussed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is 703-308-8374. The examiner can normally be reached on 7 a.m. to 3:30 p.m. (Monday to Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on 703-308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3592 for regular communications and 703-305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1234.

Blessing Fubara
May 8, 2003

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
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